

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSE FERNANDEZ,

Plaintiff,

v.

Civ. No. 22-0886 KG-GBW

BOARD OF COUNTY COMMISSIONERS,

Defendant.

ORDER OF DISMISSAL

This matter is before the Court following Plaintiff Jose Fernandez's failure to prosecute his Prisoner Civil Complaint. (Doc. 1-2). Plaintiff filed this case while detained at the Metropolitan Detention Center. A recent mailing to Plaintiff was returned as undeliverable with the notation "Not in Custody." (Doc. 3). It appears Plaintiff severed contact without advising the Court of his new address, as required by D.N.M. LR-Civ. 83.6. By an Order entered December 7, 2022, the Court directed Plaintiff to update his address within thirty days or show cause why this case should not be dismissed. (Doc. 4). The Order warned that the failure to timely comply will result in dismissal of this action without further notice.

Plaintiff did not update his address by the January 7, 2023, deadline, and the Order was also returned as undeliverable. Hence, the Court will dismiss the Prisoner Civil Complaint without prejudice under Fed. R. Civ. P. 41(b). That rule permits dismissal "for failure to ... comply with [civil rules and] court orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003).

IT IS ORDERED:

1. Plaintiff Jose Fernandez's Prisoner Civil Complaint (Doc. 1-2) is dismissed without prejudice.
2. The Court will enter a separate judgment closing this civil case.


UNITED STATES DISTRICT JUDGE